

## UNITED STATES DISTRICT COURT

for the

Western      District of North Carolina

United States of America

v.

)  
Case No: 0419 3:01CR00036-001  
)  
USM No: 35933-048  
)  
Pro Se  
Defendant's Attorney

Date of Original Judgment: 01/13/2003  
Date of Previous Amended Judgment: \_\_\_\_\_  
(Use Date of Last Amended Judgment if Any)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

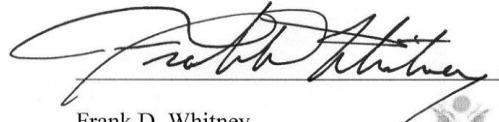
DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

*(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment dated 01/15/2003, shall remain in effect.

**IT IS SO ORDERED.**

Signed: December 15, 2023



Frank D. Whitney  
United States District Judge

Effective Date:  
(if different from order date)

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

DEFENDANT: David Perez Garcia

CASE NUMBER: 0419 3:01CR00036

DISTRICT: Western District of North Carolina

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 42

Amended Total Offense Level: 42

Criminal History Category: III

Criminal History Category: II

Previous Guideline Range: 360 to Life months

Amended Guideline Range: 360 to Life months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**

In this case, the application of Amendment 821 reduces the defendant's status points to zero resulting in a total of 2 criminal history points, criminal history category II. While this amends the criminal history category, the guideline range does not change; therefore, the application of Amendment 821 provides no change in this case.